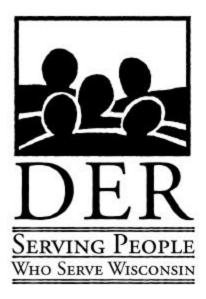
State of Wisconsin **Department of Employment Relations**



1999-2001 Biennial Report

Scott McCallum
Governor

Peter D. Fox Secretary

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Web Site: http://der.state.wi.us

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Mission Statement...

The mission of the Department of Employment Relations is to lead Wisconsin state government's innovative human resource system by recruiting and retaining a talented and diverse workforce to ensure the best service to the public.

Vision Statement...

The vision of the Department of Employment Relations is to be the national leader in governmental human resources by providing measurably high-quality services guiding the State of Wisconsin in:

- recruiting and retaining a talented and diverse workforce;
- forging cooperative, innovative labor-management relations; and
- maximizing skills of all state government employees by initiating education and training opportunities.



STATE OF WISCONSIN Department of Employment Relations

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October 2001

The Honorable Scott McCallum Governor of Wisconsin

Members of the State Legislature State Capitol

Dear Governor McCallum and Members of the State Legislature:

It is with pleasure that I submit the 1999-2001 Biennial Report of the Department of Employment Relations, as required by s. 15.04(1)(d), Wisconsin Statutes. This report documents the achievements of our agency during the 1999-2001 biennium and outlines our goals for the 2001-2003 biennium.

Wisconsin continues to improve management of its human resources system. Earlier this year, our human resources system was given a grade of "A-," <u>one of only three states</u> to achieve this grade or better. The rating was part of the "Government Performance Project," a joint effort of *Governing* magazine and Syracuse University. Wisconsin was recognized for its efforts to improve labor-management cooperation and to create a "far more flexible personnel system." The "A-" score was an improvement over our 1999 ranking of "B+."

On behalf of all state agencies, we are committed to sustained progress:

- We are strengthening the Labor-Management Cooperation Program in order to institutionalize best practices where labor and management work together to improve communication, trust, working conditions and organizational effectiveness.
- We are maintaining workforce planning activities to make sure that state government is ready
 for future challenges by identifying occupational areas that are expected to have severe
 shortages of staff within the next five years.
- We are exploring and utilizing the potential of technology to meet our customers needs; in particular, we are developing an online application and testing system that will be more convenient for applicants and lead to quicker hires for state agencies.

We have been able to achieve this success only through your endorsement of our statutory initiatives and sufficient budgetary resources for our department. We greatly appreciate your support.

Respectfully submitted,

Peter D. Fox Secretary

TABLE OF CONTENTS

OVERVIEW OF DEPARTMENT OF EMPLOYMENT RELATIONS	Page 3
DEPARTMENT MISSION	3
DIVISION OF AFFIRMATIVE ACTION	5
COUNCIL ON AFFIRMATIVE ACTION	7
DIVISION OF COMPENSATION AND LABOR RELATIONS	7
DIVISION OF MERIT RECRUITMENT AND SELECTION	13
STATE EMPLOYMENT OPTIONS	15
DIVISION OF ADMINISTRATIVE SERVICES	16
OFFICE OF EMPLOYEE DEVELOPMENT AND TRAINING	
OFFICE OF LEGAL COUNSEL	22
FLEXIBLE AND PART-TIME SCHEDULES	24

OVERVIEW OF DEPARTMENT OF EMPLOYMENT RELATIONS

The Department of Employment Relations serves the citizens of the State of Wisconsin by establishing, implementing, and monitoring personnel policies and programs to ensure a competent work force and to promote equitable treatment of all current and prospective employees of the state. The department assists the Governor and the Legislature to develop human resource initiatives that meet the needs of the state and provides guidance, advice and services to the state agencies in managing human resources.

The Department of Employment Relations (DER) was created by Chapter 196, Laws of 1977, to consolidate the responsibility for the state civil service system into a cabinet-level department. The functions of the department are described in Chapter 230 and Subchapter V of Chapter 111, Wisconsin Statutes.

The state civil service system includes functions such as recruitment, examinations and selection; classification and compensation; labor-management relations; affirmative action; employee performance evaluation; employee development and training; the State Employee Suggestion Program; the Employee Assistance Program; and various other functions related to personnel management and employee relations.

The DER is administered by a secretary who is appointed by and serves at the pleasure of the Governor with the consent and advice of the Senate. A deputy secretary and an executive staff are appointed by and serve at the pleasure of the secretary. There are four divisions and four offices.

Peter D. Fox was appointed secretary of the DER by Governor Thompson in January 1999 and is the seventh person to serve in this capacity. Janet Tidwell was appointed to the position of deputy secretary in August 1999. Vicki Poole was appointed as executive assistant in May 2000.

DEPARTMENT MISSION

The **mission** of the Department of Employment Relations is to lead Wisconsin state government's innovative human resource system by recruiting and retaining a talented and diverse workforce to ensure the best service to the public.

The **vision** of the Department of Employment Relations is to be the national leader in governmental human resources by providing measurably high-quality services guiding the State of Wisconsin in:

- recruiting and retaining a talented and diverse workforce;
- forging cooperative, innovative labor-management relations; and
- maximizing skills of all state government employees by initiating education and training opportunities.

Our **goals and strategies** to achieve this mission and vision are as follows:

Goal 1: Build a skilled and diverse workforce.

- Provide enterprise-wide leadership in the recruitment of qualified job applicants.
- Lead agencies in maintaining a workforce that reflects the state's diversity.
- Maximize opportunities that permit employees to develop their competencies and skills.
- Eliminate any barriers that impede upward mobility of state employees.

• Continue to develop innovative compensation approaches to attract qualified applicants and retain state employees.

Goal 2: Lead workforce planning.

- Promote cooperation between state agencies and unions to strengthen workforce planning.
- Lead state agencies and unions in developing strategic workforce plans.
- Gather workforce-trend information to forecast future workforce planning needs.
- Implement leading-edge human resource approaches to facilitate workforce retention and recruitment.

Goal 3: Strengthen partnerships.

- Continue to expand labor relations cooperation, intervention and training to enhance relations with unions and improve working conditions for state employees.
- Focus department operations on policies, new approaches, agency assistance and human resources management training. Delegate day-to-day personnel operations to agencies as much as possible.
- Continue to work closely with state agencies and councils to design and implement enterprisewide innovations and best practices in personnel and labor relations.
- Build and expand partnerships to explore innovative human resources ideas with other states, other public jurisdictions, and private sector organizations that face the same challenges we face in Wisconsin State Government.
- Work cooperatively with unions to identify new and creative proposals to recruit and retain skilled workers and improve public service.
- Work in partnership with the Governor and the legislature to improve the state personnel system.

Goal 4: Use information technology and human resources effectively and efficiently.

- Enhance the DER website to provide accurate, current information to our customers, including those with disabilities.
- Maximize the use of electronic forms for all state agency customers, using the new enterprise standard for electronic forms.
- Develop and implement an Internet-based application and testing capability.
- Continue to implement, improve and expand the Shared Human Resource System.
- Enable agencies to provide employees with promotional and training opportunities, performance recognition and reward opportunities, meaningful evaluations and family-friendly work arrangements.
- Create a "best practices" approach that establishes DER as a model agency for a fair work environment, teamwork, and respect and communication among supervisors, staff and customers.

DIVISION OF AFFIRMATIVE ACTION

A. FUNCTIONS AND STRUCTURE

The mission of the Division of Affirmative Action (DAA), as stated in s. 230.04 (9), Wis. Stats., is to advise and assist the secretary, the administrator [of the DER Division of Merit Recruitment and Selection], and agency heads on establishing policies and programs to promote equal employment opportunity (EEO) and affirmative action (AA) in the civil service system.

Division responsibilities include:

- 1. Developing EEO/AA policies and procedures;
- 2. Recommending legislation;
- 3. Establishing standards for agency EEO/AA plans;
- 4. Reviewing, approving, and monitoring agency EEO/AA plans;
- 5. Analyzing state work force data for use in developing EEO/AA reports and recommendations;
- 6. Providing information and technical assistance to agencies to assist in developing innovative personnel programs to increase the effectiveness of the state EEO/AA program;
- 7. Providing EEO/AA and diversity training to supervisors and managers;
- 8. Providing staff support to the Council on Affirmative Action.

In addition, the division administers the following EEO/AA programs:

- 1. The Cooperative Education Program (CEP), which provides on-the-job training to students in higher education programs, and upon completion of training, places them in permanent positions;
- 2. The Summer Affirmative Action Intern Program (SAAIP), in which agencies hire students in summer internship positions to familiarize them with state employment;
- 3. The Alternative Work Patterns program (AWP), which provides information to agencies and employees in implementing the state AWP policy;
- 4. The Information Technology Employment for Minority Students program (ITEMS), which provides on-the-job training to students pursuing careers in information technology;
- 5. The Wisconsin Works/W-2 Standards, which provide direction in fulfilling the state mandate to move W-2 recipients from welfare dependency to economic independence;
- 6. An Information System which provides EEO/AA information on the state work force.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

The division implemented the following initiatives and programs to increase the efficiency of the state EEO/AA program:

- 1. Evaluated the "Standards for State Agency Affirmative Action Plans" and the "Affirmative Action Policy and Procedure Standards" and made appropriate revisions for the 2000-2002 planning period;
- 2. Completed and distributed the underutilization analysis to be used in developing goals for the 2000-2002 EEO/AA plans for state agencies and the University of Wisconsin System;
- 3. Developed the Hiring Action Report to enhance agency review of hiring activities;
- 4. Modified the site review process to ascertain areas for improving DER service delivery;
- 5. Provided training and technical assistance to increase effectiveness of state agency EEO/AA advisory committees and affirmative action officers.

The division prepared and distributed a comprehensive "Affirmative Action Report for Wisconsin State Government" each year of the biennium. The report contains extensive statistical data to evaluate EEO/AA progress. It includes information about employees with severe disabilities and statistics for the Entry Professional Program.

Other annual statutory reports completed in the biennium were: the "Veterans Employment Report for State Government," the "Written Hiring Reasons Report," the "Federal EEO-4 Report" and the "W-2 Hiring Report."

Additional reports completed and included "Standards for State Agency Affirmative Action Plans," "Affirmative Action Policy and Procedure Standards" and "Summer Affirmative Action Intern Program Report."

During the biennium 790 post-secondary education students were recruited for the Summer Affirmative Action Intern Program and 229 were placed into summer jobs.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

- 1. Ensure system change to capture race/ethnicity data for applicants and current employees according to the new federal race/ethnicity definition.
- 2. Actively work with DER recruiters and state agencies in achieving a diverse workforce.
- 3. Enhance staff support to the State Council on Affirmative Action in order to increase effectiveness.
- 4. Enhance the website information on equal employment opportunity/affirmative action in order to provide more resources for agencies and UW campuses.
- 5. Evaluate the "Standards for State Agency Affirmative Action Plans" and the "Affirmative Action Policy and Procedure Standards" for effectiveness and make appropriate revisions for the next planning period.
- 6. Prepare the underutilization analysis to be used in developing goals state agencies' and US System Institutions' affirmative action plans.
- 7. Conduct on-site reviews to assist agencies and university campuses identify EEO/AA areas which need improvement.
- 8. Strengthen the DAA training program for AA officers and AA advisory committees at state agencies and UW campuses.
- 9. Continue to coordinate and improve the SAAIP and W-2 employment programs.

COUNCIL ON AFFIRMATIVE ACTION

A. FUNCTIONS AND STRUCTURE

The Council on Affirmative Action is a 15-member citizen body appointed by the Governor and legislative leaders to evaluate the state's progress in achieving statutory affirmative action objectives. It was created under Chapter 196, Laws of 1977. The Council is advisory to the secretary of the Department of Employment Relations.

Section 230.46, Wis. Stats., gives the Council responsibility for evaluating affirmative action programs in the state civil service system, seeking compliance with relevant state and federal regulations, and recommending improvements in the state's affirmative action efforts as an employer.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

- 1. Implemented the Annual Diversity Award that recognized exemplary commitment and measurable achievement in diversity. The recipients of awards in 2000 were the University of Wisconsin-Parkside, University of Wisconsin-Milwaukee, and Department of Justice.
- 2. Reviewed the Personnel Commission biennial report on the types of complaints filed by employees as a means to develop positive recommendations for employee retention.
- 3. Met with the State Training Council in the interest of supporting and promoting positive learning opportunities that would enhance retention and diversity in the civil service system.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

- 1. Develop recommendations to improve the state's ability to recruit and retain a high quality, diverse workforce.
- 2. Evaluate Wisconsin workforce data to assist DER develop baseline employment statistics for Wisconsin state government.
- 3. Recommend innovative strategies to assist state agencies in developing retention programs.
- 4. Participate in the development of a model for agencies to use in workforce planning.
- 5. Identify and recommend ways to integrate affirmative action into other human resources functions.

DIVISION OF COMPENSATION AND LABOR RELATIONS

A. FUNCTIONS AND STRUCTURE

The mission of the Division of Compensation and Labor Relations (DCLR) is to research and develop fiscally responsible compensation strategies and programs, to efficiently oversee and administer comprehensive classification, job evaluation, and compensation programs on a statewide basis for all classified and certain unclassified positions in the state civil service system, to represent the state as the employer in labor contract negotiations with unions representing state employees, and be responsible for establishing and maintaining consistent employment relations policies and practices throughout state civil service in the administration of labor agreements.

DCLR administers the compensation provisions of the federal Fair Labor Standards Act (FLSA), the Wisconsin Fair Employment Law and the state and federal Family Medical Leave Act (FMLA) for state employees.

The <u>DCLR Bureau of Compensation</u> develops and administers the biennial compensation and benefit plans for non-represented, classified and unclassified executive branch employees. The bureau is responsible for the evaluation and development of fiscally responsible compensation programs in connection with the collective bargaining process. This bureau has the ongoing responsibility for conducting a comprehensive pay and benefits survey program to maintain a competitive position in the market place and assisting in the assignment of all new and revised classifications to the proper pay ranges. The bureau also administers the state and federal Family Medical Leave Act for state employees and provides consultative services to state agencies on FMLA requirements, developing policies and procedures to ensure statewide compliance.

The <u>DCLR Bureau of Classification</u> provides a central policy coordination role by facilitating the resolution of state employee FLSA complaints regarding exempt/nonexempt status and payment of wages, providing consultative services to state agencies on FLSA requirements, developing policies and procedures to ensure statewide compliance, and functioning as the primary liaison for the state with the U.S. Department of Labor Wage and Hour Division. This bureau is responsible for the development and ongoing maintenance of the state classification system through the conduct of personnel management surveys of occupational areas and individual position reviews in an effort to maintain statewide equity within the classification structure. Bureau staff conduct monthly informational meetings with agency representatives, represent the Secretary in administrative hearings related to classification matters, monitor the inclusion or exclusion of employees in the protective occupation retirement category and participate in the collective bargaining process as members of the management master bargaining teams.

The DCLR Bureau of Collective Bargaining (BCB) represents the state as the employer in labor contract negotiations with unions representing state employees, and is responsible for establishing and maintaining consistent employment relations policies and practices throughout state civil service in the administration of labor agreements. In 1987, Wisconsin Act 331 made the assignment of job classifications to pay ranges a subject of collective bargaining. Every biennium, BCB chief negotiators work closely with staff from the Bureau of Compensation and the Bureau of Classification to negotiate the 19 state labor agreements. During negotiations, DCLR staff consults regularly with the Governor's Office, legislative leaders on the Joint Committee on Employment Relations and with management representatives in the various state agencies, boards and commissions. In administering the state labor agreements, it is BCB policy to maintain a fair, friendly and mutually satisfactory employee management relations in state government and to strive to achieve a fair and peaceful adjustment of whatever controversies may arise.

More than 85 percent of the state classified work force, organized into statutorily defined bargaining units, are represented by labor organizations.

The major functions of the Bureau of Collective Bargaining are to:

- 1. Negotiate, as the employer, all state labor agreements;
- 2. Provide guidance to and work with all state agencies to ensure uniform implementation and labor agreement administration;
- 3. Represent and/or assist in representing the state before the Wisconsin Employment Relations Commission on such matters as unfair labor practices, bargaining unit determinations, bargaining unit representation elections, and other labor/management issues;
- 4. Represent the state and its agencies as the employer in arbitration proceedings under the state labor agreements; and
- 5. Develop, plan and present labor relations training for all levels of state agency management.
- 6. Develop, plan and facilitate labor-management cooperation training and services jointly with labor union officials for all levels of state agencies.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

- 1. Efforts to improve the efficiency of the division
 - a. Occupational Studies The division completed and implemented a number of classification and/or compensation surveys covering more than 5,000 employees. These activities were intended to maintain and improve the classification structure and ranged in size from a few positions to more than 1,800 positions. The Bureau of Classification converted approximately 800 classifications populated by approximately, 000 represented and nonrepresented employees for inclusion in a broadband pay structure, resulting in significant classification simplification.
 - b. Labor Market Information/Compensation Reserve Development The division continued to enhance the application and effectiveness of the State of Wisconsin labor market program to the state and participating employers through a revision in the program schedule and information being surveyed. The labor market survey program effectively provides valuable labor market data and information during the DCLR and DER determination and development of the compensation reserve recommendation that is submitted to the Department of Administration, during the development of collective bargaining strategies, and in the development of the non-represented employee Compensation Plan.
 - c. Policy Manual Revision DCLR developed several new policies in the <u>Human Resources Handbook</u>, covering topics including protective occupation status determinations and <u>exclusions from bargaining unit representation</u>. A comprehensive plan was developed to update or develop additional policy chapters for presentation to agency representatives during monthly informational meetings.
 - d. Evaluation of Existing Pay Systems Extensive input was solicited from agency management as well as state employees on the pay structures that were implemented during the last biennium. The overall evaluations of the broadband pay system were positive and the concept has received the approval of the Joint Committee on Employment Relations to be expanded to the professional supervisor and professional staff occupations.

- e. Training for Agency Personnel The DCLR staff provides ongoing formal training to agency staff and first-line supervisors in the areas of performance evaluation, position description writing, advancement in the civil service system and basic and advanced labor relations skills. Additionally, an experiential training program was developed which allows human resource professionals employed by other agencies and within other areas of DER to be temporarily assigned to the division in order to gain experience within DER which can be applied when the employee returns to his/her permanent assignment.
- f. Labor-Management Cooperation A grant project has provided for joint labor-management training in labor-management cooperation for work site teams.

2. Major policy issues

- a. Pay Structures Modification The pay structures were modified to accommodate the expansion of the broadband pay system. The results were pay structures more competitive with the labor market and sufficient to allow for effective discretionary compensation adjustments to address equity, retention, and increased job responsibilities.
- b. Pay Progression Concept The division incorporated a mechanism of providing progression through the pay range, known as the pay progression concept. The pay progression system is a compensation system that replaced the reclassification system and eliminated the grid system for the majority of professional state employees.
- c. Broadbanding Flexibility continued to be the main objective in improving the broadbanding approach used in the Senior Manager schedule. The program was expanded into the all supervisors and other nonrepresented employee groups, with the need for pay setting flexibility for new and current employees, in response to recommendations from the Governor's State Human Resource Reform Commission.
- d. Family and Medical Leave Act (FMLA) During this biennium, ongoing technical assistance, consultation, and formal and informal training were provided to human resource staff and supervisors. The state policy regarding provisions for family leave for purposes of birth or adoption was modified in response to a decision by the Court of Appeals. In addition, the division developed a draft training program to formally provide training to human resource staff and supervisors.
- e. Fair Labor Standards Act (FLSA) DCLR provides technical assistance to state agencies in complying with the provisions of the FLSA through liaison activities with the Madison Area Office of the Wage and Hour Division of the U.S. Department of Labor, coordinating investigations of complaints filed by state employees, and reviewing and modifying classification designations as appropriate. The division provides input into efforts to reform the legislation at the national level to ensure appropriate application and interpretation of the law within public sector employment.
- f. Protective Occupation Status DER is required to review and approve or disapprove each determination by an agency head regarding the designation of a state employee as a "protective occupation participant" for purposes of the Wisconsin Retirement System. DCLR published a policy chapter for agency use and monitors proposed legislation to include additional classifications and groups of state employees in the "protective occupation" category.

- g. Catastrophic Leave In 1997, the catastrophic leave program was implemented for represented (via collective bargaining agreements) and nonrepresented classified employees. The program allows permanent and project classified nonrepresented and represented employees to voluntarily donate certain leave credits to other such employees what have been granted unpaid leaves of absence due to a catastrophic need for which no eligible paid leave benefits or replacement income are available. DCLR developed, for the 2001-2003 Compensation Plan, provisions to expand these same provisions to unclassified employees, excluding the UW System faculty & academic staff and State of Wisconsin Investment Board. In addition, DER requested the members of the Joint Committee on Employment Relations to sponsor legislation to amend the statutes to allow for this expansion.
- h. Labor-Management Cooperation Grant In 1998, DER and the Wisconsin State Employees Union (WSEU) jointly received a Labor-Management Cooperation grant from the Federal Mediation and Conciliation Service. Wisconsin was the only state to receive a Cooperation grant during the 1998-2000 funding period. DER and the WSEU are using the \$90,000 grant to identify and replicate "best practices" in labor-management cooperation at work sites across the state. A best practice is a successful example of cooperation between labor and management. A Labor-Management Committee, co-chaired by DER Secretary Fox and WSEU Executive Director Marty Beil, is identifying best practices, conducting training on how to improve cooperation, and providing on-site assistance to work sites that want to improve cooperation. The project began with a series of forums across the state that drew over 700 labor and management representatives. The grant provided funding for this project through the spring of 2000. DER, WSEU, the Wisconsin Employment Relations Commission and the Department of Corrections have continued and expanded the program.

3. Organizational or Administrative Changes

DCLR classification, compensation, and costing staff work as a team with the Bureau of Collective Bargaining (BCB) chief spokesperson for each of the bargaining units. These representatives are responsible for directing and/or conducting all classification and compensation surveys involving their designated units. Beginning with the FY 97-99 bargaining cycle, the DCLR chief economic spokespersons were responsible for representing management in negotiating the economic component of assigned collective bargaining agreements. The BCB chief spokespersons work directly with the Bureau of Compensation economic spokespersons and the Bureau of Classification class and survey spokespersons regarding the coordination of any classification, survey, or costing needs.

BCB staff served as chief negotiators and back-up negotiators during the negotiation of labor contracts covering 19 represented bargaining units for the biennium. The Wisconsin State Employees Union, affiliated with the American Federation of State, County, and Municipal Employees, represents six of those units. The remaining thirteen bargaining units represented by other labor organizations are the Building Trades and Crafts; Legal (Attorneys); Assistant District Attorneys; State Public Defenders; Patient Care; Patient Treatment; Fiscal and Staff Services; Research, Statistics and Analysis; Education; Engineering; Science; Teaching Assistants at the University of Wisconsin (UW) -Madison; and Teaching Assistants at UW-Milwaukee.

BCB staff represent the various state agencies, as employers, in arbitration proceedings under labor contract grievance procedures. On July 1, 1999, the division had 862 pending arbitration appeals. During the 1999-2001 biennium, 1,111 new appeals were received. Of the pending appeals, 731 were dropped following discussions/negotiations with the unions and/or grievants, 367 appeals were resolved through formal settlement agreements, and 328 cases were heard and decided before impartial arbitrators. Altogether 1,426 appeals were closed during the 1999-2001 biennium. BCB surpassed its

1997-1999 goal to reduce pending arbitration appeals by 20 percent as the number of pending arbitrations was reduced from 862 cases as of June 30, 1999, down to 547 cases as of June 30, 2001, a reduction of 37%. It is evident that the Labor-Management Cooperation program has reduced grievance and arbitration numbers.

Bureau of Collective Bargaining staff, along with staff from the Bureau of Compensation and Bureau of Classification, provided orientation and training on new labor agreements for more than 1,100 agency management personnel in all major regions of the state.

Bureau of Collective Bargaining staff represented and/or assisted legal counsel in representing the state before the Wisconsin Employment Relations Commission.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

- 1. Continue research and development of alternative pay models with special emphasis on those that would be conducive to simplifying the classification and compensation system and increasing line management flexibility.
- 2. Expand pay progression concepts and pay flexibility to a much greater number of represented and nonrepresented groups in response to recommendations from the Governor's State Human Resource Reform Commission.
- 3. Continue to develop Compensation Plan amendments that will provide parity between non-represented and represented employees based on the terms of negotiated agreements.
- 4. Update and reissue selected portions of the "Wisconsin Personnel Manual Classification, Compensation and Administration," converting the information to the "Wisconsin Human Resources Handbook." Develop new policy chapters as needed to accommodate the changes in classification and compensation structures as they develop.
- 5. Continue refinements/enhancements to the modified pay structures that were implemented in 1999-2001 and increase efforts to educate employees and managers on the new structures through establishment of on-site training programs, train the trainer initiatives and electronic posting of educational and informational resources on the DER web-site.
- 6. Review, confirm or change FLSA code designations for all existing classifications as well as those in the process of being developed, based on recent decisions of the U.S. Department of Labor.
- 7. Conduct an assessment of the effectiveness and understanding of the broadband program through a comprehensive survey program encompassing represented and nonrepresented employee groups. Program enhancements and training initiatives will be developed as deemed necessary from the survey and discussions with agency HR directors.
- 8. Provide consultation to agencies to assist in implementing the personnel-related portions of reengineering or reorganizing of functions in accordance with the 2001-2003 budget.
- 9. Complete the development of modular training and implement basic and advanced classification training for new and current human resource professionals in state government.

- 10. Negotiate sound labor agreements so as to ensure labor/management peace and stability. Obtain negotiated and ratified agreements prior to the expiration dates of existing agreements.
- 11. Expand the use of consensus bargaining principles to other certified bargaining units. The consensus bargaining format is being or has been used with the Wisconsin State Employees Union representing six bargaining units, the United Professionals for Quality Health Care representing the Patient Care unit, and the Wisconsin Federation of Teachers representing the Science unit and the Research, Statistics and Analysis unit. The remaining units are using the traditional model for collective bargaining that is oriented to using other problem-solving approaches to contract negotiations.
- 12. Expand the Advanced Labor-Management Certification Program to a larger audience. This popular program, created in 1988 and annually updated and upgraded, is an in-depth course providing state managers and supervisors with strategies and techniques in labor relations geared to promoting the interests of the state in a collective bargaining environment.
- 13. Reduce grievance appeals and resolve problem issues through effective management training and staff utilization, developing sound labor-management relations, promoting mutual problem-solving techniques prior to formal grievance appeals, and promoting special arbitration processes and settlement mechanisms.
- 14. Improve the division's research and arbitration handling capabilities through updating the file locator system, enhancing the division's Internet access and usage in retrieving precedent-setting labor arbitration decisions, and expanding the use of the new arbitration data base system (Time Matters).
- 15. Develop a labor relations seminar geared for top executives in state government.
- 16. Establish and conduct joint training efforts with unions representing state employees.
- 17. Work towards establishing an ongoing labor/management cooperation program as an outgrowth of the AFSCME Council 24 and State of Wisconsin joint Federal Mediation and Conciliation Service (FMCS) Grant project.

DIVISION OF MERIT RECRUITMENT AND SELECTION

A. FUNCTIONS AND STRUCTURE

The Division of Merit Recruitment and Selection (DMRS) coordinates state recruiting and hiring of classified (civil service) employees. The mission of DMRS is to provide Wisconsin citizens with merit-based, open and user-friendly competition for civil service jobs; and to provide state government agencies with qualified job candidates who represent the diversity of the state labor force. The division vision is to be a model public sector organization that efficiently provides its customers with high-quality and responsive products and services.

The division works cooperatively with state agencies and the University of Wisconsin System to:

1. Recruit applicants for classified civil service vacancies;

- 2. Develop and administer valid evaluations of civil service applicants, including written civil service examinations and other assessment techniques;
- 3. Create lists of eligible candidates (employment registers) and provide lists of best-qualified candidates (employment certifications) to state agencies and University of Wisconsin (UW) campuses;
- 4. Administer the Wisconsin Code of Ethics for classified and some unclassified employees;
- 5. Investigate cases of potential civil service violations;
- 6. Provide training and consultation on staffing issues;
- 7. Provide personnel and testing services for local governments through the Wisconsin City and County Testing Service; and
- 8. Administer layoffs for non-represented classified positions.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

DMRS is committed to helping DER achieve its vision of being at the forefront of human resource management by stressing excellence, diversity, efficiency, responsiveness, continual improvement, and innovation. During this biennium, the division continued to take aggressive steps to provide responsive service to our customers – state agencies and the public. This included:

- 1. Worked with the Shared Human Resources System (SHRS) development team to fully deploy the SHRS hiring component, which includes recruitment, examination, and certification.
- 2. Initiated revisions of ER and ER-MRS administrative rules for career executives necessitated by latest round of broadbanding with an emphasis on simplifying, harmonizing, and aligning (ER-MRS) career executive rules with those of flexible certification, layoff, and transfer covering other civil service employees.
- 3. Delegated authority to state agencies to extend a six-month original or promotional probationary period by up to three additional months.
- 4. Issued guidelines to state agencies for a restoration from the unclassified service, pursuant to sec. 230.33, Wis. Stats.
- 5. Reviewed and responded to agency requests for modification of employing unit structure in the Departments of Corrections, Financial Institutions, Health and Family Services, Veterans Affairs, UW-Madison, and UW-Milwaukee.
- 6. Implemented ER-MRS administrative rules amendments liberalizing release of examination information for certified candidates to hiring officials and removal of interview "no shows," thus speeding the interview process, saving time for state agencies, and improving our image with candidates.
- 7. Abolished the Critical Recruitment Program, noting that the goals of this program are now met through previously enacted flexible certification law changes.
- 8. Played a major role in the DER initiative to create a strategic work force planning capability for state government by serving on and staffing the Workforce Planning Team.
- 9. Strengthened our recruitment function with the filling of two critical vacancies; the Coordinator of State Recruitment and the Affirmative Action Recruiter.
- 10. Continued aggressive recruiting activities despite a relatively new staff. For example, each year our recruiters attended over 100 job fairs and met with over 15,000 potential job applicants. They made campus visits to all thirteen four-year University of Wisconsin campuses as well as several technical and private colleges.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

DMRS will continue to improve the responsiveness and flexibility of the Wisconsin merit hiring system by:

- 1. Reviewing the structural design of the division and, as appropriate, realigning division functions to improve customer service and enhance staff development;
- 2. Assisting in the development and implementation of an Online Application and Testing System (OATS);
- 3. Updating and improving the functionality of the Shared Human Resources System (SHRS);
- 4. Updating and expanding our training services including Recruitment and Selection Training and the staffing component of the Management Training Program for new supervisors;
- 5. Updating and re-issuing the staffing sections of the "Human Resource Handbook" to improve policy and procedural guidance for agencies;
- 6. Aggressively expanding recruiting activities, including making greater use of the Internet and recruiting outside Wisconsin;
- 7. Continuing to work closely with the various occupational councils and committees to improve recruitment for hard-to-fill positions;
- 8. Continuing to develop more effective and user-friendly alternatives to written exams;
- 9. Playing a major role in the DER initiative to create a strategic workforce planning capability for state government;
- 10. Expanding the services the Wisconsin City and County Testing Service provides to local Wisconsin governments; and
- 11. Taking a more aggressive approach by going into the classrooms of two- and four-year colleges to target specific majors and introducing students to the State of Wisconsin as an employer. We will also begin recruiting in the high schools for students who are not college bound, and introducing difficult to fill professions to the college bound students.

STATE EMPLOYMENT OPTIONS

(Division of Merit Recruitment and Selection)

A. FUNCTIONS AND STRUCTURE

The State Employment Options (SEO) program provides training to Wisconsin Works (W-2) and other Job Center customers on how to obtain employment with Wisconsin state government. As part of the W-2 State Employment Team (W-2 SET), SEO works closely with state agencies to provide recruitment and retention services to meet the state mandated goals to hire customers of the W-2 program.

The Department of Workforce Development (DWD), Division of Workforce Solutions (DWS), contracts with the Department of Employment Relations to provide the training and recruitment services.

B. PERFORMANCE AND OPERATIONS DURING THE 1999 - 2001 BIENNIUM

1. Conducted 135 "How to Get a State Job" workshops across the state for 915 W-2 and food stamp customers. The workshop was open to Children First and Division of Vocational Rehabilitation (DVR) consumers and to the general public, as space allowed.

- 2. The SEO program began offering test preparation workshops for office support positions coupled with Friday exams at the W-2 agencies in Milwaukee to increase the number of customers eligible for state positions. After the pilot proved successful, the workshops and tests were offered on a regular basis.
- 3. Coordinated and managed the implementation of cooperative agreements with 24 state agencies to promote employment opportunities for individuals making the transition from W-2 to work. The agreements identify the responsibilities of each entity to promote recruitment, retention and employment of W-2 customers.
- 4. Held a statewide Recruitment and Retention Conference on June 21, 2000, to share information among state agencies, W-2 administrative agencies and the W-2 State Employment Team on how to recruit, hire and retain W-2 customers in the Wisconsin civil service system. Agencies made a number of recommendations to improve communications between the Team and the agencies. Recommendations for using electronic devices and publishing a newsletter were implemented by the team. Communication is now done via e-mail and the Internet, and the first issue of the newsletter, *Bridges*, was published in March 2001.
- 5. Promoted the Administrative Support Training and Experience Questionnaire (ASTEQ), an office support take-home exam which was developed to assist customers, who had received work experience and training in state service, move into permanent positions. Thirty individuals were successfully hired in two calendar years, and the Division of Merit Recruitment and Selection (DMRS) is collecting data to evaluate the program's effectiveness.
- 6. Hired a W-2 Recruiter to work in Milwaukee, where the majority of W-2 and food stamp customers are located. The recruiter is responsible for providing recruitment and retention services to customers, state agencies and W-2 administrative agencies.
- 7. Worked closely with staff at the Department of Workforce Development to develop strategies that encourage state agencies to hire W-2 participants.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001 - 2003 BIENNIUM

- 1. Provide technical assistance to state agencies and W-2 Administrative agencies in developing and implementing strategies to recruit W-2 participants for permanent positions in state service.
- 2. Continue to recruit W-2 customers for positions in state service. Provide the "How to Get a State Job" and test preparation workshops; provide entry-level civil service exams in Madison and Milwaukee the Friday before each regular exam center; promote state employment to W-2 agencies; participate in job fairs, and develop alternative civil service examinations.

DIVISION OF ADMINISTRATIVE SERVICES

A. FUNCTIONS AND STRUCTURE

The Division of Administrative Services (DAS) provides internal administrative support services to other units in the department and also encompasses the Office of Information Systems (OIS) and the Office of Employee Development and Training (OEDT). Activities of OEDT are described separately. The major DAS responsibilities for the department include budgeting, fiscal monitoring and control, accounting, personnel, payroll, purchasing, printing, the DER employee assistance program, facilities management, records and forms management, information technology (IT) and telecommunications. The Division conducts management and policy analysis and houses the legislative liaison functions for the department. The division is also responsible for coordination of the statewide Employee Assistance Program.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

- 1. Improved agency policies and practices in the following areas in order to outline clear expectations and agency policy: discretionary compensation, performance standards and appraisal, employee training and career development and new employee orientation.
- 2. Prepared a Supervisory Handbook that contains relevant policies and resources which will assist DER supervisors in the performance of their duties. Enhanced training for supervisors and ongoing collaboration that will support supervisors.
- 3. Continued development of the Fiscal Policy and Procedures Manual to document department internal fiscal policies and provide a guide for division and office staff involved in fiscal operations.
- 4. Streamlined the purchasing process through greater use of the state procurement card and direct payments.
- 5. Revitalized the agency's Committee on Equity and Diversity to promote diversity and equal opportunities within the department.
- 6. Increased the number of DER forms that are available in electronic format on the Internet. Many forms can now be completed online, then printed and forwarded to DER.
- Achieved the following in the area of Information Technology: Ensured successful rollover of all department IT functions to Year 2000; implemented remote access capacity to allow department staff to access department network resources when working offsite; and upgraded the SHRS system to version 2.0.
- 8. Laid the groundwork for a more logical structure and more appealing appearance of the agency Internet, which was updated in August, 2001.
- 9. Entered into an alliance with the Department of Administration for management of the DER Office of Information Systems, in order to promote sharing of resources and IT expertise. One of the primary goals of the alliance is to collaborate on the development of an online job application and testing system for civil service positions.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

- 1. Utilize the fiscal and budget reporting capabilities of the state WisMART accounting system to monitor fiscal operations and generate up-to-date budget reports.
- 2. Continue the development of the Fiscal Policy and Procedures Manual to document department internal fiscal policies and provide a guide for division and office staff involved in fiscal operations.
- 3. Coordinate the development and implementation of a business recovery plan in the event that department functions or facilities are interrupted by natural disasters or other unforeseen events.
- 4. Develop and launch an Intranet for the agency to promote internal communications and sharing of news, files and data.
- 5. Explore options for enhanced administration of the statewide Employee Assistance Program, including restoration of a separate position to serve as statewide EAP director.

OFFICE OF EMPLOYEE DEVELOPMENT AND TRAINING

(Division of Administrative Services)

A. FUNCTIONS AND STRUCTURE

The Office of Employee Development and Training (OEDT) provides training and other services to Wisconsin state government agencies through a variety of methods. OEDT is staffed by a 0.50 position and is located within the Division of Administrative Services.

1. TRAINING PROGRAMS

a. Management Training for New Supervisors

This two-part, five-day program provides the statutorily required components of training for new state supervisors and managers. A three-day course, Personnel Administration, is taught by DER staff on topics of civil service personnel administration, such as labor relations, staffing, equal employment opportunity/affirmative action, position descriptions, and performance evaluation. A two-day Leadership program is taught by instructors from the UW-Madison Certified Public Manager program in an arrangement with DER. Both courses are offered on almost a monthly basis to meet demand in a timely fashion.

b. Advanced Labor Management (ALM) Program

The Advanced Labor Management (ALM) program is taught by experienced labor relations specialists from the DER Bureau of Collective Bargaining. The ALM program is a five-day, in-depth, participatory training program for state managers and supervisors presented six to eight times annually in Madison and other regions of the state. It provides managers and supervisors with critical information concerning theories and issues underlying the labor-management relationship in a public sector environment

c. Recruitment/Selection Training Series

Staff of the Division of Merit Recruitment & Selection provide training in a series of recruitment and selection training modules, half- or full-day offerings, that meet the diverse needs of agency staff with hiring-related responsibilities, offered at least twice a year. Topics include policy, the role of the supervisor in staffing, recruitment planning, advertising, exam development, scoring the exam and register/certification.

d. Affirmative Action/Equal Employment Opportunity (AA/EEO)

Division of Affirmative Action staff provide a one-day training program specially designed for new agency Affirmative Action Committee members. The program, offered twice a year, includes AA/EEO laws, regulations, and rules as well as recent information on the status of AA groups in the Wisconsin civil service workforce.

e. How To Advance in the Wisconsin Civil Service

Trainers from the Divisions of Compensation & Labor Relations and Merit Recruitment & Selection provide a half-day training program designed to provide state employees with information on career progression within the civil service system, including promotions, reclassifications, and transfers. Due to heavy demand, 9 sessions of this program were offered during the biennium.

f. Employee Assistance Program (EAP) Coordinator Training

The department coordinates training for agency Employee Assistance Program Coordinators, both for newly appointed coordinators as well as refresher training. This training is pursuant to the Governor's Executive Order 94, and is taught by experienced members of the Statewide EAP Advisory Committee. The program provides new coordinators with the knowledge and skills that will enable them to effectively carry out their functions while the refresher training provides a more advanced look at EAP.

2. STATE EMPLOYEE SUGGESTION PROGRAM

OEDT provides staffing to the State Employee Suggestion Board, a three-member body appointed by the Governor. The board reviews employee-initiated suggestions for cost-saving business methods, improvement in efficiency, and better service to customers and citizens, and decides on state-level recognition of employees for their suggestions, including certificates and cash awards. At the department level, each agency has a program coordinator who oversees the agency's internal program, and OEDT provides consulting services and resources to the agency coordinators upon request. OEDT also maintains the suggestion program Web site.

3. "DER NEWS & VIEWS" (NEWSLETTER)

OEDT coordinates printing, mailing, and web-publishing of the semiannual department newsletter with a printed mailing list of 7,000 state supervisors, managers, and non-represented staff. Topics focus on the civil service system and other human resources issues in state government.

B. PERFORMANCE AND OPERATION DURING 1999-2001 BIENNIUM

1. TRAINING PROGRAMS

Narrative Summary:

Budget reductions took effect in October 1999, eliminating private vendor courses and reducing the OEDT staff to a 0.50 FTE position. As part of the budget action, DER no longer has statewide training authority. The effect has been the decentralization of training decisions to the agency level.

The statutory requirement for basic training for newly appointed state supervisors still exists; however, DER is no longer the required source of this training and agencies can choose providers as they see fit. Focus groups were consulted by DER in fall 1999 to find out if agencies plan to continue to send their new supervisors to DER for the mandatory training. During the biennium, only one agency (DOT) developed its own program, and this was already in progress prior to the budget cuts. Previously, agency-specific programs had been developed by UW-Madison, the Department of Health and Family Services and the Department of Correction. At the end of the 1999-2001 biennium, all other agencies and university campuses except for UW-Madison were continuing to send their new supervisors to the DER training.

As a result of the budgetary changes, DER has focused on its niche as a provider of human resources training on state policies, procedures and programs related to the agency's mission as the state's central personnel agency. DER offers training programs for new state supervisors (two courses: Personnel Administration and Leadership); staffing/hiring personnel; affirmative action committee members; employee assistance coordinators; an advanced labor management

program for experienced supervisors; and a course on civil service advancement for any interested state employees.

DER continues its membership and participation on the State Training Council, an independent organization of training directors/officers representing all agencies including the UW-Madison. Along with other agencies, DER is represented on several Council subcommittees which have developed statewide guidelines for new supervisor training, planned the first annual statewide training conference for February 2002, created an e-learning consortium for employees of participating agencies, and begun a series of short continuing education seminars for supervisors hosted by rotating agencies.

DER's main training facility provides a quality learning environment, with updated audio-visual equipment; the training section of the DER Web site received over 30,000 "hits" (visits) during the biennial period; and quality communication with our customers has been enhanced by technology: the Web site, e-mail and FAX.

Training Schedule, Attendance Statistics, and Revenues:

During fiscal year 1999-2000, twelve courses were offered on 47 class occasions to a total attendance of 875 participants, for an average of nearly 19 participants per class. The class cancellation rate was only 4 percent. Gross revenues totaled over \$167,000.00.

During fiscal year 2000-01, eight courses were offered on 44 class occasions to a total attendance of 972 participants, for an average of 22 participants per class. The class cancellation rate was 5 percent. Gross revenues totaled over \$209,000.00.

Totals: For the biennium, the class cancellation rate was 4.5%, total number of participants attending classes was 1,847, average number of participants per class was over 20, and gross revenues for the biennium amounted to over \$376,000.00.

2. STATE EMPLOYEE SUGGESTION PROGRAM

The Platteville Project:

In September 1999, the Employee Suggestion Board and the Department of Employment Relations (DER) – which provides staff support to the Board – began a unique partnership with the University of Wisconsin-Platteville.

One of the major issues with the state employee suggestion program was a lack of employee awareness. DER and the Board decided to connect with the University of Wisconsin-Platteville where an interdisciplinary team of marketing and graphic design students worked on the Suggestion program as a class project during the 1999-2000 academic year. The students conducted research and surveys, created promotional prototypes, and recommended process improvements.

During the summer of 2000, DER hired one of the graduating students as a graphic designer to assist with implementation. A new logo was created, along with a new-look Web site, poster, updated forms and procedures. All agencies were notified of the changes and their support was requested at the agency level, and a conference was held for agency coordinators. In August 2000, all state and university employees received a special bookmark promoting the suggestion program with their paychecks.

Suggestion Statistics, Savings, and Recognition:

The State Employee Suggestion Board received, reviewed and decided on awards for 67 employee-initiated suggestions for business process improvements, service enhancements, and cost savings to the state amounting to an estimated \$230,000.00. Nearly 18,000 "hits" (visits) to the employee suggestion program Web site were recorded during the 1999-2001 biennial period.

Ten board meetings or events were held during the biennium, including two annual awards ceremonies, two special event presentations related to the Platteville Project, and six regular board meetings. Annual awards ceremonies at the State Capitol were held in November 1999 and November 2000 to honor individual and group suggestions of the year, agency of the year, and agency coordinator of the year. At the 2000 ceremony, additional special honors were given to the UW-Platteville team of students and professors.

3. "DER NEWS & VIEWS" (NEWSLETTER)

DER News & Views is the department's external newsletter. Articles are written about recruiting and hiring resources, labor/management relations, compensation matters, DER/agency partnerships, the training calendar, and statewide programs such as the employee assistance and employee suggestion programs. The audience for the DER News & Views newsletter consists of approximately 7,000 state managers and supervisors, non-represented employees, unclassified staff, legislators, agency heads and union presidents.

Ordinarily, the newsletter is published twice a year. During this biennium, three issues were published, in April 2000, October 2000, and April 2001. (The fall 1999 edition was skipped.) Full text of current and past issues of the newsletter are available on DER's Web site from this index page: http://der.state.wi.us/static/newsindx.htm.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING 2001-03 BIENNIUM

1. TRAINING PROGRAMS

DER will continue to improve its training programs, including presentation techniques, measurement tools, and improved content that is up-to-date and responsive to agency needs. DER professional staff will be utilized as expert instructors on human resource topics, such as labor relations, classification, compensation, affirmative action and staffing. The department will also add human resource training programs as necessary and as requested by agencies

DER will conduct an extensive follow-up survey of recent participants in the management training program for new supervisors, including soliciting feedback from agency human resource and training staff on ways to match the DER training to the most critical needs of new supervisors as well as maintain DER as the training provider of choice for most agencies' new supervisors.

DER will explore E-Learning options, such as blending web-based E-Learning with classroom offerings to enhance and extend its current training programs and increase educational outreach to agencies. The department will continue to use electronic means as the primary method of communicating and promoting training opportunities, including e-mail updates and continuous maintenance and improvement of the training Web site with DER course information, schedule and registration information. Additionally, the DER training Web site includes "learning links" to other training sources within the state and university community. DER will explore the possibility of an on-line registration method.

DER will continue to be an agency member of the State Training Council along with the other agencies and is strongly committed to the Council. In particular, DER supports joint efforts to encourage greater use of innovative learning strategies such as on-line learning, video-conferencing, resource-sharing, and common methods of measuring the results of training. DER will partner with other organizations, such as the UW-Madison's Certified Public Manager program and the State Employee Assistance Program Advisory Committee, to provide appropriate learning opportunities.

2. STATE EMPLOYEE SUGGESTION PROGRAM

OEDT will support and staff the State Employee Suggestion Board, will work with agency program coordinators to promote the program to increase participation by state employees and will continue to frequently maintain and improve the Employee Suggestion Program Web site (http://SUGGEST.state.wi.us).

OEDT staff will create, edit and distribute a regular E-Newsletter to reach all state employees (via the network of agency suggestion program coordinators) to highlight individual employee suggestions of note, including those suggestions with potential statewide impact, and continue to increase awareness among state employees of the suggestion program and its procedures and activities.

3. "DER NEWS & VIEWS" (NEWSLETTER)

The department will continue to publish the *DER News & Views* newsletter twice a year, both in printed format distributed to over 7,000 state managers, supervisors, and non-represented staff and made available at the DER Web site.

DER will explore the feasibility of an e-mail distribution list with a link to the Web version to eliminate the need for printing, handling, and postage.

OFFICE OF LEGAL COUNSEL

A. FUNCTION AND STRUCTURE

The Office is responsible for providing legal services to the management staff of the department, as well as providing advice to other state agencies on programs and policies administered by DER, such as the Fair Labor Standards Act (FLSA), Family Medical Leave Act(FMLA), Americans with Disabilities Act, protective occupational status of state employees for retirement purposes, compensation plans for state employees, open records requests involving personnel files, and unfair labor practices.

The Office provides basically three types of legal services: (1) legal advice and counsel to department staff and management concerning policy issues, statutory interpretation, and other legal questions concerning the department; (2) representation of the department and other state agencies in a variety of administrative hearings and liaison to the Department of Justice (DOJ) on cases concerning the department which have been filed in state or federal court; and (3) legal advice to other state agencies on personnel issues, FLSA, FMLA, and related law and labor law questions.

In terms of representing the department in various hearings, the Office represents the department in classification survey appeals, employment discrimination cases and whistle-blower cases before the state Personnel Commission; represents all state agencies in Unfair Labor Practice complaints filed with the Wisconsin Employment Relations Commission (WERC); assists the Division of Compensation and Labor Relations in handling arbitration hearings whenever possible; and defends department determinations of the "protective occupational status" of employees for retirement program purposes. In its role as liaison to the DOJ, the Office coordinates with DOJ attorneys to answer complaints, interrogatories, and other motions and pleadings, and to provide information necessary to respond to discovery requests, and other court-related proceedings.

B. PERFORMANCE AND OPERATIONS DURING THE 1999-2001 BIENNIUM

During this time period, the Division of Compensation and Labor Relations completed several personnel management (classification) surveys involving approximately 4,000 state employees. These surveys resulted in classification survey appeals being filed with the state Personnel Commission. The Office handled appeals (prehearings, motions to dismiss, motions for summary judgment and hearings) involving the following surveys: Broadband expansion for all nonreps which occurred in two phases (3/20/00 and 5/20/01); IS Professionals; Payroll & Benefit Specialists; Nursing Supervisors; Administrative Support Assistant; Food Service Occupations; and Professional Program Support. The Office reviewed drafts of over 500 new classification specifications generated by the surveys and broadbanding for compliance with applicable legal principles, administrative rules and agency policies. A substantial number of the appeals were dismissed through pre-hearing motions which avoided the need for at least 35 one- to two- day hearings. The Office of Legal Counsel also handled appeals before the Personnel Commission of other personnel transactions (reclassifications, reallocations and merit recruitment and selection) as well as a variety of discrimination, whistleblower and/or retaliation claims. During the past year, the Office of Legal Counsel worked with the Department of Justice to successfully defend and settle for nuisance value a series of actions, commenced by a former state employee, which found their way into Federal Bankruptcy Court.

In addition to handling hearings before the Personnel Commission, the Office has also represented other state agencies in a number of Unfair Labor Practice hearings before the WERC.

Further during this time period, the Office of Legal Counsel has defended department determinations on the "protective occupational status" of state employees for the purposes of the state retirement program. The Office of Legal Counsel was also actively involved in coordinating with DOJ to represent the state in several complex court cases involving challenges to the FLSA as it applies to state employees.

C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 2001-2003 BIENNIUM

The Office will continue to provide timely, complete and accurate legal advice to department staff and management, and will assist other state agencies whenever possible, while identifying and anticipating potential legal issues related to department policies or programs.

23

FLEXIBLE AND PART-TIME SCHEDULES

Section 230.215 (4), Wisconsin Statutes, requires every agency to include a section in the biennial report pertaining to policies promoting flexible and part-time work schedules for its employees.

Subsection 702 of the DER Employee Handbook states that "The department recognizes that the traditional full-time work patterns do not meet the needs of many individuals in the modern workforce due to many mitigating factors. The department strongly supports the concept of alternative work schedules. An employee may work an alternative work schedule when such a schedule is consistent with efficient and effective agency operations." A policy directive spells out the types of schedules that are permissible and criteria for evaluating requests for schedule changes.

Most DER employees work a schedule that deviates from the standard state office hours (7:45 a.m. to 4:30 p.m.). In addition, seven employees are allowed to work a "flex day" schedule under which they work a full 40-hour week, but less than the standard eight hours on one or more "flex" days. Six other employees are permitted to work less than 100% full-time. The department seeks to accommodate employee requests for discretionary leave time whenever possible. The agency fully complies with all requirements of family and medical leave laws. The department believes that accommodating employee scheduling needs has not adversely affected agency operations and, in fact, has improved employee productivity and expanded the hours during which agency staff are available to our customers.